

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-071935

09/12/2013

HONORABLE EILEEN S. WILLETT

CLERK OF THE COURT

S. Stewart

Deputy

IN RE THE MARRIAGE OF
MARY SHERINA ANN CONDON

MARY SHERINA ANN CONDON
12219 W WINDROSE DR
EL MIRAGE AZ 85335

AND

JASON T MARSHALL

JASON T MARSHALL
10737 W RUTH AVE
PEORIA AZ 85345

OFFICE OF PUBLIC DEFENSE
SERVICES-CCC

HEARING

Northwest Facility, Courtroom 124

Prior to the commencement of this proceeding, Mary Sherina Ann Condon and Jason T. Marshall are sworn.

3:30 p.m. This is the time set for Emergency Hearing regarding Respondent's Motion for Post-Decree Temporary Order Without Notice for Modification of Legal Decision Making/Custody filed August 30, 2013 and Response thereto filed September 3, 2013. Petitioner/Mother, Mary Sherina Ann Condon, is present on her own behalf. Respondent/Father, Jason T. Marshall, is present on his own behalf.

Court Reporter, Karen Bolton, is present.

Discussion is held regarding status of the case and pending issues.

Based on the discussion and matters presented,

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IT IS ORDERED that a Best Interests Attorney shall be appointed to investigate the situation involving the minor children. A separate minute entry shall issue defining the terms of the appointment.

IT IS FURTHER ORDERED declaring Mother indigent and therefore unable to compensate the Best Interests Attorney and directing the Office of Contract Counsel to pay 50% of the fees pursuant to their contract. Father shall pay 50% of the Best Interests Attorney's fees, subject to reallocation.

IT IS FURTHER ORDERED affirming the Court's orders granting to Father sole legal decision making and physical custody of the minor children, Donna Marshall (DOB: 07/10/2004) and Deborah Marshall (DOB: 08/16/2006), pending further order of the Court.

IT IS FURTHER ORDERED that Mother is entitled to supervised parenting time with the minor children by an agency approved by the Court at Mother's expense. Mother may have supervised parenting time twice per week for one hour each visit.

IT IS FURTHER ORDERED that Mother shall have supervised telephonic access with the minor children. The phone calls shall be initiated by Mother every evening before the children's bedtime and shall be appropriate in content.

IT IS FURTHER ORDERED that neither parent, nor any person acting in his/her behalf, shall talk negatively or make disparaging remarks about the other parent in front of the children or within earshot of the children. Neither parent, nor any person acting in his/her behalf, shall discuss this litigation with the children.

IT IS FURTHER ORDERED that Mother shall place any monies received from social security on behalf of the minor children in an account, not to be removed without further order of the Court.

EVIDENTIARY HEARING SETTING

IT IS ORDERED setting an Evidentiary Hearing on **December 5, 2013 at 10:00 a.m.** (2 hours) in this Division before:

The Honorable Eileen S. Willett
Maricopa County Superior Court - Northwest Regional Center
14264 West Tierra Buena Lane - Courtroom 124
Surprise, AZ 85374
602-506-3343

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IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.
3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed legal decision-making, access or visitation issues, a specific proposal for legal decision-making and visitation by each party.

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IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED the parties shall deliver any exhibits and an exhibit inventory to the clerk of this division, and not place in the division mailbox, for marking **no later than five Court business days prior to the hearing**, not including weekends, holidays or the day of the proceeding. All exhibits presented shall have been exchanged between the parties. Duplicate exhibits shall not be presented. **Absent good cause, any exhibits not submitted at least five (5) business days prior to the hearing may not be accepted and/or marked.** The parties shall also provide the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child legal decision-making, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a

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motion to vacate the hearing ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.

3:49 p.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/S/: HONORABLE EILEEN S WILLETT

HONORABLE EILEEN S. WILLETT
SUPERIOR COURT JUDGE

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt